

## NEW FOR 2009 STATISTICAL FORMS

The following is a list of what new changes are effective as of January 1, 2009 on various statistical forms filed with the Division of State Court Administration.

### QCSR:

1. **New Case Type: EM:** the following will be the descriptions provided in the 2009 revised QCSR Manual:

#### **EM—Estates Miscellaneous**

This new category, as of January 1, 2009, includes all cases involving matters *related to estates* but does not include actually filed estates. Examples of matters to be given this case type: filing inheritance tax returns, spreading the will (I.C. 29-1-7-4), filing for a small estate affidavit, establishing a personal representative for a civil matter, filing of affidavits to transfer vehicle titles, open bank lock boxes, pay expenses related to an estate, and distribute estate assets without the appointment of a personal representative. The case is “disposed,” when a ruling has been made on any motion, such as appointing a personal representative, or “closed” when the matter has been resolved, such as the filing of the tax return. All matters related to estates that do not include the filing of an estate for probate are properly assigned this case type. For the QCSR reporting purposes, all Estate case types will be collectively reported in one column. In accord with I.C. 33-37-4-7, the clerk shall not charge a filing fee for (1) the filing of an inheritance tax return unless the court must act further on the filing, (2) a petition to open a safety deposit box, or (3) the spreading of a will. All other filings under the case type EM shall be charged the regular filing fee for a probate case.

2. **Intra and Inter State Transfers of Probation Supervisions:** when a county receives a request from a sentencing county to transfer a probationer, the case will be assigned an MC case type for the transfer. The case may be opened and closed simultaneously because the establishment of the case number is for court records and fee collection purposes only, rather than for statistical counting purposes. The new procedure requires the offender to pay a \$75 intrastate transfer fee to the receiving court. This fee goes into the county supplemental adult probation services fund. The receiving court may waive the transfer fee if it finds the offender is indigent.
3. **With regard to IF/OV payments,** if the defendant comes in and pays, or mails in payment or pays electronically, without any interaction with the Judge, the disposition

should be recorded as Line M, Violations Bureau, regardless of the type of infraction or ordinance violation.

4. **JP v. DR case type:** in cases in which paternity of the child has been established by affidavit, the proper case type is DR for subsequent child support, visitation and custody. Using the DR case type will allow one case to be created that may involve more than one child and the case is not confidential. If paternity is challenged at any point during the case, the DR case should be dismissed if it is still pending and a JP should be opened. When the JP is opened, it must be opened as one case per child.
5. **Part V. Question 7:** in order to collect some information from *certified* problem solving courts and Supreme Court Family Court Project Courts, the Division added Question 7 to determine number of filings or assignments are made to the special courts each quarter.
6. **Juvenile cases in general:** Effective January 1, 2009, Administrative Rule 1(B)(5) requires the clerk of courts to assign a separate case number to each juvenile who is the subject of a JC, JD, JS, JT, JP, and JM. The change in the rule is for administrative purposes only and does not affect the court's ability to try related cases and juveniles as one or the court's ability to waive multiple court costs in related cases.

## REVENUE REPORT

1. **Line 9: DNR Deer Replacement Fee:** according to I.C. 14-22-38-4, this \$500 fee is charged if a defendant is convicted of killing deer outside of the appropriate hunting season. The revenue goes to the Department of Natural Resources.
2. **Line 25: Construction Work Zone Fee:** according to I.C. 9-21-5-11, this \$300 fee is charged if the defendant is convicted of causing property or personal damage to state property or personnel in a construction work zone. This fee is not the same as Line 24: Highway Work Zone Fee and the payments should be maintained separately. The revenue goes to the Department of Transportation.
3. **Line 43: Special Death Benefits Fee:** according to I.C. 35-33-8-3.2, this \$5 fee is paid at the time a bond is paid, rather than subtracted from the bond payment. The revenue goes to the county or local sheriffs' pension fund.
4. **Informal Adjustment Fee:** As of March 18, 2008, the Informal Adjustment Fee for CHINS cases was repealed and not replaced. Therefore, make sure the fee is not being automatically charged or caused to accrue in CHINS cases. However, the Informal Adjustment Fee for delinquency cases may still be charged under I.C. 31-37-9-9.